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PATENT

Bonnie L. Hume

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Ib Mendel Hartvig et al : Paper No.:
Serial No.: 09/848,417 : Group Art Unit: 1641
Filed: May 4, 2001 : Examiner: B. Nguyen
For: Assay Device With Timer Function

AMENDMENT UNDER 37 C.F.R 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Official Action dated July 6, 2004, please amend the present application as follows:

Amendments to the Claims are set forth in the Listing of Claims beginning on page 2 of this paper.

Remarks begin on page 5 of this paper.

Amendments to the Claims

The following Listing of Claims replaces all prior versions and listings of the claims in this application.

Listing of Claims

1. (Currently Amended) An assay device for determining an analyte in an aqueous sample comprising:

- (i) an elongate flow matrix allowing lateral transport of fluid therethrough by capillary action, wherein said matrix comprises a liquid application zone and downstream thereof, a detection zone having an immobilized capture agent capable of directly or indirectly binding to said analyte,
- (ii) a wicking member at the downstream end of the flow matrix and having an upstream end and a downstream end, ~~and~~
- (iii) an ~~a time~~ indicator downstream of the detection zone for indicating when liquid applied in the liquid application zone has reached the ~~time~~ indicator, wherein the ~~time~~ indicator comprises an indicator substance or substance combination which is capable of exhibiting a visible colour change when hydrated by the aqueous sample, and wherein the ~~time~~ indicator is arranged in contact with the wicking member at a variable position between the upstream and downstream ends thereof, thereby permitting variation of the time elapsing from the application of liquid to the liquid application zone until the indicator substance or substance combination changes colour, and
- (iv) a housing enclosing the flow matrix and the wicking member, wherein the indicator is included on an inner side of the housing at a transparent or translucent portion thereof.